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REMARKS

Claims 1 and 15 have been amended to replace the objected phrase "encoded by" with "encodes". Support can be found in the Specification on page 2, line 20. The Claims have been further amended to delete the objected phrase "wherein said polypeptide is more soluble". Claims 7 and 11 have been amended to include functional language, support for this amendment is found in the Specification on page 5, lines 23 and 24 and on the page 30, Table 1 as amended on October 15, 2003. Claim 15 has been further amended to remove the bracketed phrase "[improved thermostable activity and at least about 85 % identity compared to]". No new matter is added.

Rejection of Claims 1, 15 and Claims 2-3 and 17-20 Which Depend Therefrom Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 15 and Claims 2-3 and 17-20 which depend therefrom are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1 and 15 have been amended to replace the objected phrase "encoded by" with the word "encodes". As amended, the claims are definite and distinctly claim the subject matter that Applicants regard as the invention.

Rejection of Claims 1-3, 15, 17-20 Under 35 U.S.C. § 112, First Paragraph

Claims 1-3, 15, 17-20 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 15 have been amended to delete the objectionable phrase "wherein said polypeptide is more soluble", thus obviating the rejection.

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Rejection of Claims 7-14, 21-22 Under 35 U.S.C. § 112, First Paragraph

Claims 7-14, 21-22 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As suggested by the Examiner, Claims 7 and 11 have been amended to incorporate the phrase "wherein said polypeptide has a specific cellulase activity that is at least two times greater than the specific activity of the polypeptide having the full-length sequence of SEQ ID NO: 2, where the specific activity is assessed using carboxymethyl cellulose as substrate". As amended the Claims meet the requirement of 35 U.S.C. § 112, first paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Of Claims 15, 17-20 Under 35 U.S.C. § 112, First Paragraph

Claims 15, 17-20 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a DNA sequence with SEQ ID NO:3 encoding a polypeptide with SEQ ID NO:2 having thermostable cellulase activity, does not reasonable provide enablement for any variant DNA sequence that encodes a polypeptide whose amino acid sequence is 85% identical to the amino acid sequence of SEQ ID NO:2 or encoding such polypeptide that is further truncated by one or more amino acid residues corresponding to position one to about position 40 in SEQ ID NO:2, including vectors, host cells comprising such DNA and method of making such truncated polypeptides.

Claim 15 has been amended to remove the phrase "improved thermostable activity and at least about 85% identity compared to". As amended, independent Claim 15 and dependent Claims 17-20 meet the requirement of 35 U.S.C. § 112, first paragraph.

Reconsideration and withdrawal of the rejection are respectfully requested.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,
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